

Docket No. 18180.0116

#S

Patent & Trademark
Application of: Raymond M. Bell, Jr. et al.

Application No.: 10/051,122

Group Art Unit: 2874

Filed: January 22, 2002

Examiner: --

For: ROBUST HETERODYNE INTERFEROMETER OPTICAL GAUGE

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RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the **NOTICE TO FILE CORRECTED APPLICATION PAPERS** dated February 26, 2002, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Corrected Application Papers;
2. Substitute Drawings Figs. 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 9a, 10, 10a, 11, and 12.

The Commissioner is hereby authorized to charge any fees due or credit any overpayment to Deposit Account No. 19-5127 referencing 18180.0116.

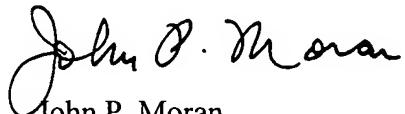
Applicants petition that Figures 7a, 9a, 10a, and 12 were filed with the application papers, but were not properly labeled. The sheet labeled Figure 7 included two drawings, one of which should have been labeled Figure 7a. This is clear from the description of the figure in the specification. The sheet labeled Figure 9 included two drawings, one of which should have been labeled Figure 9a. This is clear

Docket No. 18180.0116

from the description of the figure in the specification. The sheet labeled Figure 10 included two drawings, one of which should have been labeled Figure 10a. This is clear from the description of the figure in the specification. The sheet labeled Figure 11 included two drawings, one of which should have been labeled Figure 12. This is clear from the description of the figure in the specification.

In view of the above, Applicants petition the U.S. Patent and Trademark Office to determine that Figures 7a, 9a, 10a, and 12 were included in the application as filed. A petition fee of \$130.00 is authorized to be charged to Deposit Account 19-5127, referencing 18180.0116. A refund of the \$130.00 petition fee is respectfully requested.

Respectfully Submitted,



John P. Moran
Reg. No. 30.906

Dated: April 26, 2002

Swidler Berlin Shreff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 424-7500

APR 26 2002

10051122 042602 284

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/051,122

Filing Date

January 22, 2002

First Named Inventor

Raymond M. Bell, Jr.

Group Art Unit

2874

Examiner Name

Attorney Docket Number 18180. 0116

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ENCLOSURES (check all that apply)

 Fee Transmittal Form Statement Claiming Small Entity Status Fee Attached Drawing(s) Amendment / Response Licensing-related Papers After Final Petition Routing Slip (PTO/SB/69) and Accompanying Petition Affidavits/declaration(s) Petition to Convert to a Provisional Application Extension of Time Request Power of Attorney, Revocation Change of Correspondence Address Express Abandonment Request Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority Document(s) CD, Number of CD(s) Response to Missing Parts/ Incomplete Application

Remarks

 Response to Missing Parts under 37 CFR 1.52 or 1.53 After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)
(please identify below):

Response to Notice to File Corrected Application Papers and copy of Notice

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

John P. Moran, Reg. No. 30,906
Swidler Berlin Shereff Friedman, LLP

Signature

Date

April 26, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (11-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEET TRANSMITTAL for FY 2001

APR 26 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete if Known	
Application Number	10/051,122
Filing Date	January 22, 2002
First Named Inventor	Raymond M. Bell, Jr.
Examiner Name	
Group / Art Unit	2874
Attorney Docket No.	18180.0116

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METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																														
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 195127, Order No. 18180.0116				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>620</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>123</td><td>130</td><td>123</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify)</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3)</td> <td>(\$ 130)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	John P. Moran	Registration No. Attorney/Agent)	30,906	Telephone	202 424-7500		
Signature	<i>John P. Moran</i>			Date	April 26, 2002		

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UNITED STATES PATENT AND TRADEMARK OFFICE

APR 26 2002

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COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/051,122	01/22/2002	Raymond Mark Bell JR.	18180.0116

23517
 SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
 3000 K STREET, NW
 BOX IP
 WASHINGTON, DC 20007

CONFIRMATION NO. 7461

FORMALITIES LETTER



OC000000007538825

Date Mailed: 02/26/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 7a,9a,10a, and12 described in the specification.

04/29/2002 CCHAU1 00000015 195127 10051122

01 FC:122 130.00 CH

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

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date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE